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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,852	12/22/2000	James R. Patterson	A-5378	3665
2147	7590	04/20/2004		
GRACE J FISHEL 11970 BORMAN DRIVE SUITE 220 ST. LOUIS, MO 63146			EXAMINER	REIS, TRAVIS M
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20040414

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment filed on December 29th 2003 has been determined to be Non-Responsive for the reasons detailed in the attached Office Action.

DETAILED ACTION

Response to Amendments

1. The reply filed on 12/29/3 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): There has been no amendment to the specification or identification of text (i.e. page and line number) in the specification where it is stated what comprises the means for assessing the true status of a frame in relation to three dimensional space as stated in claims 1, 6, & 15. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Response to Arguments

2. The proposed amendments to claim 1 will not be entered since prosecution on the merits of the claims was closed in accordance with the practice under Ex Parte Quayle , 1935 C.D. 11, 453 O.G. 213.
3. In response to Applicant's arguments that claims 1, 6, & 15 have abundant support in the specification; these arguments have been fully considered but they are not persuasive since applicant has not amended the specification nor detailed where in the specification (i.e. page and line numbers) the means for assessing the true status of a frame in relation to three dimensional space as stated in claims 1, 6, & 15, is located.
4. In response to Applicant's arguments that the new grounds of objection & rejection are not proper under the practice of Ex parte Quayle; these arguments have been fully considered but they are not persuasive since the Ex Parte Quayle Office action had only objections under 37 CFR 1.75 (d)(1) and not rejections.

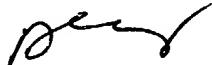
Art Unit: 2859

5. In response to Applicant's arguments filed that the plumb bob and string are not positive elements in the claims; these arguments have been fully considered but they are not persuasive since the plumb bob and string are positively claimed in claims 6 & 15 , lines 8 & 11 respectively.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M Reis whose telephone number is (703) 305-4771. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8160 for regular communications and (703) 308-7722 for After Final communications.



Travis M Reis
Examiner
Art Unit 2859

Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

tmr
April 16, 2004